



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 3 जून, 2005/13 ज्येष्ठ, 1927

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

NOTIFICATION

Shimla, the 19th May, 2005

REGULATIONS FOR HOLDING DEPARTMENTAL EXAMINATION FOR DIRECT RECRUITS TO THE CADRE OF DISTRICT JUDGES

No. HHC/Rules/22 (25)/83.—In exercise of the powers conferred by rule 2 read with rule 18 of the Himachal Pradesh Judicial Service Rules, 2004, the Hon'ble the Chief Justice and Judges are pleased to make the following Regulations laying down the procedure for the conduct of the Departmental Examination for Direct Recruits to the cadre of District Judges.

1. Short title.—These Regulations shall be called the Himachal Pradesh Judicial Service (Departmental Examination for Direct Recruits to the cadre of District Judges), Regulations, 2005.

2. Commencement.—These Regulations shall come into force immediately on its publication in the official gazette and shall govern the Departmental Examination in respect of direct recruits to the cadre of District Judges appointed in the service after the commencement of the Himachal Pradesh Judicial Service Rules, 2004.

3. *Definition.*—In these Regulations, unless there is anything repugnant to the subject or context:—

- (a) "Chairman" means the Chairman of the examination Committee ;
- (b) "Committee" means the examination Committee constituted under these Regulations;
- (c) "Chief Justice" means Chief Justice of High Court of Himachal Pradesh;
- (d) "Examination" means the departmental examination under these Regulations ;
- (e) "Examiner" means the examiner appointed by the Committee under these Regulations;
- (f) "High Court" means High Court of Himachal Pradesh ;
- (g) "Rules" shall mean the Himachal Pradesh Judicial Service Rules, 2004 ;
- (h) "Schedule" means the schedule attached to these Regulations ;
- (i) "Secretary" means the Secretary of the examination Committee.

4. *Examination Committee.*—(i) The Committee shall be over all Incharge of the examination and shall be responsible to ensure the implementation of these Regulations.

(ii) The Committee shall consist of:—

- (a) Chairman—Hon'ble the Chief Justice ;
- (b) Members—Two Hon'ble Judges to be nominated by the High Court.
- (c) Secretary—Registrar General High Court of Himachal Pradesh shall be the Secretary of the Committee.

5. *Duties of Secretary.*—The Secretary shall perform following duties in accordance with the procedure hereinafter mentioned :—

- (i) The Secretary shall issue all orders on behalf of the Committee relating to and in connection with the examination ;

(ii) The Secretary shall be responsible—

- (a) for making arrangements for the conduct of the examination;
- (b) to receive the question papers from the examiners and make arrangement for the printing papers in accordance with these Regulations.
- (c) for making arrangements of superintendence of the examination, transmission of answer books to the examiners for getting them evaluated and to receive them back ;
- (d) for compiling and declaring the result; and
- (e) for the discharge of any other functions envisaged by these Regulations or entrusted to him by the Committee from time to time.

6. *Holding of Examination.*—(i) The examination shall be held after such intervals as decided by the Committee keeping in view the exigencies of service.

(ii) The examination shall be held at Shimla in High Court or at any other place as may notified by the Secretary with the approval of the Committee.

7. *Departmental Examination.*—(i) A direct recruit to the cadre of District Judges shall appear in the departmental examination.

(ii) A direct recruit to the cadre of District Judges shall clear all the papers with prescribed percentage of marks in four chances within two years of the period of probation:

Provided that further chances can be given to the direct recruit to clear the departmental examination as per the rules.

(iii) In case a direct recruit to the cadre of District Judges does not appear in one or more papers it shall be deemed that he has availed the chance.

8. *Commencement of the Examination.*—The date of the commencement of the examination shall be notified by the Secretary and the date sheet, which shall also be drawn by him, shall be sent to each candidate along with the roll assigned to him at the address given by the candidate in his application form.

9. *Conduct of Examination.* The Secretary shall be responsible for the conduct of the examination and shall appoint Superintendent/Invigilator(s) and other staff for the examination centre keeping in view the work load and may issue instructions relating thereto.

10. *Answer Books.*—(i) The Secretary will supply the required number of blank answer books and question papers. The first page of the answer book shall contain the instructions, if any. The answer books shall bear the signature and seal of the Secretary or shall be signed and stamped by the Superintendent of examination.

(ii) Answer by the candidates must be written legibly on both sides of the paper. On no account whatever a sheet or part of the sheet shall be torn or removed from answer book. The candidates shall not write their names or put any other mark(s) anywhere in the answer book which may indicate their identity.

(iii) All answer books collected from the candidates shall be packed properly, immediately on the conclusion of each paper and shall be sealed by the Secretary/Superintendent Examination who shall forward the same to the examiners as quickly as possible.

(iv) At the close of the examination the account of the answer books received and used together with all unused answer books shall be prepared.

(v) The answer books shall be kept on record for three months after the declaration of the result and its notification in the Himachal Pradesh Rajpratra.

11. *Question Paper.*—(i) The Committee shall appoint the examiner for each paper. The question papers will be received from the examiners by the Secretary who shall be responsible for getting them printed/xeroxed under complete secrecy.

(ii) The question papers for the examination will be kept duly sealed by the Secretary in his safe custody.

(iii) The sealed packets containing the question papers shall be opened by the Secretary/Superintendent examination, in the Examination Hall not more than half an hour before the commencement of the examination in the presence of the invigilators, if any.

12. *Evaluation of answer books and publication of result.*—(i) The Secretary shall cause the answer books of various papers evaluated from the examiners appointed under Regulation 11 (i) and the examiners shall prepare an award list and marks sheet and forward the same to the Secretary along with the answer books within two weeks of the receipt of the answer book by them.

(ii) The result shall be compiled by the Secretary on receipt of the award lists and marks sheet and shall be placed before the Committee for its approval, with such recommendations as he may deem necessary.

(iii) The result shall be notified in Himachal Pradesh Rajpatra.

(iv) The record of the result shall be prepared and kept in Register for examination of direct recruit to the cadre of District Judges.

13. Remuneration of the paper setter, evaluators of answer books, Supdt. of the examination.—The remuneration shall be paid at the following rates to the examiners and the examination superintendents and other staff deputed for the purpose of conduct of examination under these Regulations:—

(1) Setting of Examination Papers	Rs. 250/- per question paper plus Rs. 100/- for supplying solution, if asked for.
(2) Evaluation of answer books	Rs. 50/- per answer book subject to a minimum of Rs. 250/-.
(3) Examination Superintendent	Rs. 200/- per session Rs. 300/- per day (Two Sessions).
(4) Dy. Supdt.	Rs. 150/- per session Rs. 225/- per day (Two Sessions).
(5) Invigilator	Rs. 125/- per session Rs. 200/- per day (Two sessions).
(6) Clerk/Typist/Computer Operator/Photostat Machine Operator/Driver	Rs. 75/- per session Rs. 150/- per day (Two sessions).
(7) Class IV	Rs. 50/- per session Rs. 100/- per day (Two Sessions) :

Provided that the above remuneration may be altered by the Committee from time to time.

14. Directions for the conduct of the examination.—The Secretary may, with the approval of the Committee, from time to time, issue such directions in accordance with these Regulations for conduct of examination and for implementation of these Regulations and such other instructions, as he may deem proper, for effective enforcement of these Regulations.

15. Conduct of the candidate in the Examination Hall.—(i) A candidate appearing in the examination shall be required to maintain perfect discipline and abide by the instructions given by the Secretary/Superintendent examination. He shall mark his attendance in the attendance roll, and shall not be permitted to leave the examination hall before handing over the answer book except for short duration with the permission of Secretary/Superintendent examination who will ensure that during his absence from the hall, the candidate has no opportunity of obtaining information/assistance relating to the question papers.

(ii) Any violation of these Regulations committed by the candidate will be deemed to be misconduct and the matter will be reported by the Secretary to the Committee who shall deal with the case in the manner provided in rule 16.

16. Unfair means.—The case of a candidate who, either at the time of examination or subsequently, is found to have used unfair means will be reported by the Secretary to the Committee forthwith alongwith the answer book and any other documentary or oral evidence. The

Committee shall decide the action to be taken against such candidate and may impose one or more of the following penalties :—

- (a) The candidate may be declared fail in the entire examination;
- (b) The candidate may be declared fail in one or more papers; and
- (c) Any violation of the Regulations committed by the candidate may be recommended by the Committee to the High Court for taking appropriate action.

17. *Written papers.*—(i) All the written papers shall be of the duration of three hours each except Hindi which shall be of one hour duration.

(ii) There shall be following six papers carrying marks mentioned against each :

Sl. No.	Subject	Marks
1	2	3
(1)	Criminal Law	100
(2)	Civil Law	100
(3)	Revenue Law	100
(4)	Constitution of India	100
(5)	High Court Rules/Orders and Accounts	100
(6)	Language (Hindi in Devnagri script)	50

(iii) The books and the syllabus from which the questions may be set have been prescribed in the Schedule.

(iv) The paper concerning High Court Rules and Orders and Accounts may be answered with the aid of books which will be provided in the Examination Hall for use by the candidates. The other papers shall be answered without aid of books.

(v) The candidates are required to pass all the papers with minimum 60% marks in each paper except Hindi in which the candidates are required to obtain minimum 50 marks. A candidate qualifying one or more papers shall not be required to appear in that/those papers in the next examination (s).

(vi) The Examination Committee may, in a deserving and suitable case, grant maximum five grace marks, which can be given in one or may be spread over in more papers.

18. *Grant of travelling allowance/leave etc.*—(i) The examination prescribed under these regulations shall be treated as obligatory examination and every candidate shall be entitled to draw T. A. as envisaged in Supplementary Rule 130 or any other corresponding rule, as may be applicable.

(ii) The period spent for appearing in the examination shall be treated as period spent on duty.

19. *Interpretation.*—In case of any doubt about the interpretation of these Regulations, the decision of the Committee shall be final.

By order,
Sd/-
Registrar (Rules).

BOOKS AND SYLLABUS FOR THE DEPARTMENTAL EXAMINATIONS FOR THE DISTRICT JUDGES

FIRST PAPER

(Criminal Law)

- (A) The Indian Penal Code, 1860.
- (B) The Criminal Procedure Code, 1973.
- (C) The Indian Evidence Act, 1872.
- (D) The Narcotic Drugs and Psychotropic Substances Act, 1986.
- (E) The Prevention of Corruption Act, 1988.
- (F) The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (G) The Prevention of Food Adulteration Act, 1954.
- (H) The Indian Forest Act, 1927.

SECOND PAPER

(Civil Law)

- (A) Code of Civil Procedure, 1908.
- (B) The Himachal Pradesh Court Fees Act, 1968
- (C) The Suits Valuation Act, 1887.
- (D) The Transfer of Property Act, 1882.
- (E) The Himachal Pradesh Rent Control Act, 1987.
- (F) The Guardian & Wards Act, 1890.
- (G) The Hindu Adoptions and Maintenance Act, 1956.
- (H) The Hindu Marriage Act, 1955.
- (I) The Hindu Succession Act, 1956.
- (J) The Land Acquisition Act, 1894.
- (K) Indian Succession Act, 1925.
- (L) Chapter X, XI and XII of the Motor Vehicles Act, 1988.

THIRD PAPER

(Revenue Law)

- (A) The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974).
- (B) The Himachal Pradesh Land Revenue Act, 1953 (6 of 1954).
- (C) The Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974 (18 of 1974).
- (D) Chapter I, II, IV, IX, X, XI, XII, XIII, XIV and XXII of the Punjab Land Administration Manual, (1972 Edition).

FOURTH PAPER

(Constitution of India)

- (A) Theory of Constitutional Law.
- (B) Constitution of India.

FIFTH PAPER

(High Court Rules and Orders and Accounts)

PART-I

Rules and Orders of Punjab High Court (Vol. IV) (as in force in Himachal Pradesh):

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| (i) Ch : 1 & 2 | Superintendence and Control. |
| (ii) Ch : 4 | Courts fees and Stamps. |
| (iii) Ch : 5. | Process fee. |
| (iv) Ch: 6 & 7 | Process serving Establishment—Civil Courts. |
| (v) Ch : 9 | Finger impressions, Hand Writing, Forged Stamps and Currency and Bank Notes. |
| (vi) Ch . 19 | Correspondence. |
| (vii) Ch:20 | Compliance with High Court precepts. |

PART-II

(A) Rules and Orders of the Punjab High Court (Vol.II) (as in force in Himachal Pradesh) :

- (i) Ch 5 —Official Receivers.
- (ii) Ch: 8—Civil Courts Accounts General.
- (iii) Ch: 8—Sherif's Petty Accounts Part-D.
- (iv) Ch: 8—Civil Courts Deposit Accounts Part-D.

- (B) Central Civil Services (Pension) Rules, 1972.
- (C) Central Civil Service (Leave) Rules, 1972.
- (D) Fundamental Rules & Supplementary Rules (Vol.I) and (Vol. II) .

SIXTH PAPER

Language

(Hindi in Devnagri script)

- (A) Translation of English into Hindi.
- (B) Translation of Hindi into English.

